

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to: All Cases

ORDER APPROVING NOTICES TO CONFORM AND SHORT FORM COMPLAINTS

On March 17, 2017, the Plaintiffs' Executive Committees, on behalf of eight cases remanded to this Court pursuant to the February 7, 2017 Remand and Vacatur Order of the Second Court of Appeals, filed a Consolidated Amended Complaint as to the Kingdom of Saudi Arabia ("Kingdom" and/or "Saudi Arabia") and the Saudi High Commission for Relief of Bosnia & Herzegovina ("SHC"), ECF No. 3463. Between March 17 and March 23, 2017, plaintiffs in the *Burnett*, *Euro Brokers*, and *Continental Casualty* cases, who had previously brought claims against SHC, filed amended complaints closely tracking the CAC and adding the Kingdom as a defendant in those actions. *See* ECF Nos. 3470, 3477, and 3478.

On March 24, 2017, the Court issued an Order directing the Plaintiffs' Executive Committees to submit a proposal "for the most effective way for parties who are filing new complaints against the Kingdom of Saudi Arabia to join or adopt the Consolidated Amended Complaint ("CAC"), consonant with the Federal Rules of Civil Procedure and the Rules of Procedure of the Judicial Panel on Multi District Litigation." ECF No. 3482. On April 5, 2017, the Plaintiffs' Executive Committees submitted a letter proposing two procedures for the adoption of the CAC by plaintiffs in the MDL proceedings: (1) a Notice to Conform the underlying complaints in actions that have already been filed against the Kingdom or SHC to the CAC; and (2) a Short Form Complaint that can be utilized to initiate suit against the Kingdom and SHC pursuant to the CAC, by plaintiffs who have not yet filed suit. ECF No. ____.

The Plaintiffs' Executive Committees submitted proposed forms of the Notice to Conform and Short Form Complaint for the Court's consideration. *See ECF Nos. _____.*

The Court hereby approves the Notice to Conform and Short Form Complaint submitted by the Plaintiffs' Executive Committees, and further orders as follows:

1. Notice to Conform. Any plaintiff who has a claim pending in this MDL may adopt the CAC through the filing of a Notice to Conform substantially in the form attached hereto as Exhibit A. Upon filing of a Notice to Conform, the plaintiff's underlying complaint shall be deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the CAC, as well as all causes of action specified in the Notice to Conform. The amendment affected by the Notice to Conform shall relate solely to Saudi Arabia and the SHC, and shall not apply to any other defendant, as to which the plaintiff's underlying complaint and any amendments thereto shall remain controlling. If the underlying complaint of a plaintiff who files a Notice to Conform does not name the Kingdom or SHC as a defendant, the plaintiff shall be deemed to have added the Kingdom and/or SHC to his or her constituent case through the filing of the Notice to Conform, unless the Notice to Conform specifies otherwise. Upon service of the Notice to Conform upon the defendants via ECF, the amendment of the plaintiff's underlying case to conform to the CAC shall be deemed to have been served. Any motion to dismiss or responsive pleading filed by the Kingdom or SHC to the CAC shall be deemed applicable to all actions in which a Notice to Conform is filed, regardless of when the Notice to Conform is filed.

By filing a Notice to Conform, a plaintiff shall not be deemed to have adopted any class-action allegations set forth the CAC or waived any right to object to class certification or to opt

out of any certified class. The filing of a Notice to Conform also does not serve as a request for exclusion from any class that the Court may certify.

2. Short Form Complaint. Any plaintiff who has not yet filed a claim against the Kingdom or SHC, but intends to do so, may initiate an action against the Kingdom and SHC through the filing of a Short Form Complaint, substantially in the form attached hereto as Exhibit B. Any such new action initiated through the filing of a Short Form Complaint shall be filed in a new docket, and designated as related to this MDL. Counsel filing a new action through a Short Form Complaint shall submit a letter to the Honorable George B. Daniels and the Honorable Sarah Netburn, docketed in this MDL, requesting that the new action be made part of this MDL, and take steps to ensure that the Short Form Complaint is docketed in the MDL. Upon filing of a Short Form Complaint, a plaintiff shall be deemed to have asserted the factual allegations, jurisdictional allegations, and jury trial demand of the CAC, as well as all causes of action specified in the Short Form Complaint. Upon service of the Short Form Complaint upon the defendants via ECF, the Short Form Complaint shall be deemed to have been served. Any motion to dismiss or responsive pleading filed by the Kingdom or SHC to the CAC shall be deemed applicable to all actions initiated through a Short Form Complaint, regardless of when the Short Form Complaint is filed.

By filing a Short Form Complaint, a plaintiff shall not be deemed to have adopted any class-action allegations set forth the CAC or waived any right to object to class certification or to opt out of any certified class. The filing of a Short Form Complaint also does not serve as a request for exclusion from any class that the Court may certify.

SO ORDERED.

Dated: April ___, 2017
New York, New York

Hon. Sarah Netburn
United States Magistrate Judge

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